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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,696	07/24/2001	Christian C. Landry	COMP:0244 P01-3660	6978

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INTELLECTUAL PROPERTY ADMINISTRATION
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FT. COLLINS, CO 80527-2400

EXAMINER

VORTMAN, ANATOLY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/912,696

Applicant(s)

LANDRY ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All · b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/20/2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The limitations “footprints are each adapted to rest on a supporting surface” in claim 1; “the footprint and the reduced footprint are each adapted to contact a supporting surface” in claim 20; “different footprints, each adapted for support on a surface” in claim 32; “footprints adapted for support on a surface” in claim 43; and “footprints adapted to rest on a supporting surface” in claim 51, are used by the claims in conjunction with term “footprint” to mean

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structural elements, since only structural elements (i.e. physical things) can rest on or be supported by the surface, wherein the accepted ordinary meaning of the term “footprint” in the computer art is: **“the space occupied by a computer’s case on a desk”** (see Que’s Computer User’s Dictionary, Second Edition, by Bryan Pfaffenberger, Ph.D. School of Engineering and Applied Science University of Virginia, Que® Corporation, Carmel, Indiana, 1991, p. 229).

Hence, according to the aforementioned definition, the “footprint” is an occupied space and not a material object or a part of the structure and cannot be defined as a structural element of the device (i.e. of a computer).

The Examiner believes that Applicant has acted as his or her own lexicographer in an attempt to use the term “footprint” contrary to its ordinary meaning, but the written description did not redefine the term and did not set forth the uncommon definition.

Where Applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Therefore, the aforementioned limitations used in the claims in conjunction with term “footprint” are rendering claims indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

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basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 11-17, 20-24, 27-33, 36-47, 49-56, 58, and 59, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by US/6,430,038 to Helot et al. (Helot).

Regarding claim 1, Helot disclosed (Fig. 1-3) a computer system (20) comprising: a component housing comprising: a first section (22); and a second section (42) rotatably coupled to the first section (22); a third section (54, 56) rotatably coupled to the second section (42), wherein the first, second, and third sections are rotatable between a plurality of configurations having different footprints (Fig. 2, 3) and at least two of the first, second, and third sections are adapted to house components (i.e. section (22) houses keyboard (21) and section (42) houses components of the hinge assembly (27)) ; and a display (28) rotatably coupled to the component housing.

Regarding claim 20, Helot disclosed a space saving system (Fig. 1-3) for a computing device, comprising: a display (28); a multi-sectional housing comprising at least a portion (42) rotatable to an upright orientation to provide a reduced footprint of the multi-sectional housing (Fig. 2); and an intermediate member (54, 56) rotatably coupled to the display (28) at a first end and rotatably coupled to the at least one housing section (42) at a second end.

Regarding claim 32, Helot disclosed a computer structure (Fig. 1-3), comprising: a body having at least four rotatably coupled sections (22, 42, 54, 56, 28) comprising at least two component housing sections (22, 42) configured to support computing components and at least one display housing configured to support a display (28), wherein the at least four rotatably

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coupled sections are rotatable between configurations having at least two different footprints (Fig. 2, 3).

Regarding the limitations: “footprints are each adapted to rest on a supporting surface” in claim 1; “the footprint and the reduced footprint are each adapted to contact a supporting surface” in claim 20; “different footprints, each adapted for support on a surface” in claim 32; and “footprints adapted for support on a surface” in claim 43, it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore the aforementioned limitations have not been given patentable weight.

Regarding claims 2 and 22, Helot disclosed that multi-sectional housing comprises a flat panel housing (panel housing sections 22, 42, and 28).

Regarding claim 33, Helot disclosed that the at least two component housing sections (22, 42) are coupled at a pivot joint (27) and rotatably movable between an L-shaped configuration (Fig. 1) and a substantially flat configuration (Fig. 2).

Regarding claims 3-6, 23, and 24, Helot disclosed that said component housing is for a computer (column 1, lines 37+), therefore it inherently comprises a computing circuitry including: a processor, a memory, and a power supply.

Regarding claim 7, Helot disclosed that the component housing comprises an input device (21).

Regarding claims 11 and 12, Helot disclosed a support structure (46) including a horizontal mount structure for supporting an angular orientation of the second section (42) relative to the first section (22).

Regarding claim 13, Helot disclosed an angular lock assembly (Fig. 11, elements (80, 86)) for securing the component housing at a desired relative angle between the sections.

Regarding claims 14, 15, 16, and 21, Helot disclosed that the display (28) comprises a flat panel display (30) and a connector arm (54, 56) having first and second pivot joints (47, 57) rotatably coupling the display (28) and the component housing.

Regarding claim 17, Helot disclosed that the connector arm (54, 56) comprises a releasable display mount (47).

Regarding claim 27, Helot disclosed that the intermediate member (54, 56) comprises a connector arm having a first end rotatably coupled to the multi-sectional housing (42) and a second end rotatably coupled to the display (28) at an offset distance from the multi-sectional housing (42).

Regarding claim 28, Helot disclosed a releasable display mount (47) disposed at one of the first and second ends.

Regarding claim 29, Helot disclosed a support structure (46) for supporting the at least one housing section (42) of the multi-sectional housing in the upright orientation.

Regarding claims 30 and 31, Helot disclosed that the multi-sectional housing comprises rotatably coupled sections (22, 28, 54, 56, 42) configured for plurality of angular orientations and geometrical configurations, including a base section (22) of reduced footprint (Fig. 1A) and a rotatable section (42) rotatable between a base orientation (Fig. 3) having an added footprint and

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the upright orientation (Fig. 1A) configured for decreasing space consumption of the multi-sectional housing.

Regarding claims 36 and 37, Helot disclosed that the configurations include a folded configuration (Fig. 2) with a substantially flat arrangement of the rotatably coupled sections (22, 42) and a zigzagging configuration, (Fig. 1).

Regarding claims 38, 39 and 40, Helot disclosed that at least four rotatably coupled sections (22, 28, 54, 56, 42) comprise an intermediate member (connector arms) (54, 56) disposed between the at least one display housing (28) and one of the at least two component housing sections (42, 22), the configurations comprising a working configuration (Fig. 1) having the at least one display housing (28) positioned at a desired viewing orientation for the display and having the at least two component housing sections (22, 42) positioned at a desired orientation for mounting on a surface.

Regarding claims 41, Helot disclosed a releasable display coupling (47) disposed at one of first and second ends of the intermediate member (54, 56).

Regarding claim 42, Helot disclosed that at least a portion of the computer components integrally coupled (inherently) within the plurality of rotatably coupled housing sections (22, 42, 54, 56), wherein the computer components comprise a display (28) and a processor (inherently, since the device is a computer), and the display (28) includes a panel display screen (30).

Regarding claims 43-47, 49-56, 58, and 59, as best understood, the method steps recited in the claims, are inherently necessitated by the device structure as disclosed by Helot.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-10, 18, 25, 26, and 57, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/6,006,243 to Karidis.

Regarding claims 8-10, 25, and 26, Helot disclosed all of the claims limitations as apply to claims 7, 20, and 23, but did not disclose removable wireless input devices.

Karidis disclosed a computer system (Fig. 1, 2) comprising a wireless communication system represented by a removable wireless keyboard and a pointing device (column 3, lines 31-40).

Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of wireless removable input devices disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify said computer of Helot by providing it with removable wireless input devices as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

Regarding claim 57, as best understood, the method steps recited in the claim are inherently necessitated by the device structure as disclosed by Helot in view of Karidis.

Regarding claim 18, Helot disclosed all of the claim limitations as apply to claim 17, but did not disclose that the connector arm has a hot-plugable electrical coupling mechanism for removably coupling the display to the component housing .

Karidis disclosed (Fig. 4) such hot-plugable electrical coupling mechanism (82, 84) for removably coupling the display (72) to the housing (74).

Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of the hot-plugable electrical coupling disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify the computer of Helot by providing the intermediate members (arms) with the hot-plugable electrical coupling mechanism for removably coupling the display to the component housing as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

8. Claims 19 and 48, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/5,260,884 to Stern.

Regarding claim 19, Helot disclosed all of the claim limitations as applied to claim 1, but did not disclose a handle assembly coupled to the component housing.

Stern disclosed (Fig. 1) a portable computer system having a component housing (14) with an integral handle (11) attached thereon.

Since the inventions of Helot and Stern are from the same field of endeavor (portable computers), the purpose of the handle disclosed by Stern would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in the computer art at the time the invention was made to provide the component housing of Helot with the integrally formed handle as taught by Stern, in order to facilitate carrying of the device.

Regarding claim 48, as best understood, the method steps recited in the claim, are inherently necessitated by the device structure as disclosed by Helot in view of Stern.

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Please note that amendments to the independent claims of record had necessitated new rejection of the claims under 35 USC 112, second paragraph and modified rejection of the claims under 35 USC 102 (b).

Furthermore, the Applicant has cited the definition of the term "footprint" as follows: "mark left by the shod or unshod foot, as in earth, sand, etc." or an "impression of the sole of person's foot." THE RANDOM HOUSE COLLEGE DICTIONARY 514 (REV. ED. 1988)" (p. 16, lines 7+).

The Examiner would like to direct the Applicant's attention to the fact that the aforementioned definition is completely out of the field of endeavor the present application is

related to (i.e. computers). Furthermore, the aforementioned definition is not related to any technical field of endeavor whatsoever.

To the contrary, the definition cited earlier by the Examiner in 35 USC 112 section of the present Office Action is precisely related to the computer field of endeavor and therefore precisely reflects the ordinary meaning of the term “footprint” is in the computer art.

Furthermore, to underscore the Examiner’s position the following alternative definition of the “footprint” is presented as follows: “the outline and surface area occupied by a computer and its peripheral equipment on the floor or desk top”. (Academic Press Dictionary of Science and Technology, Edited by Christopher Morris, Academic Press, Inc., 1992, p. 864, left column). As it can be seen the later definition is perfectly in line with the definition which has been cited by the Examiner earlier.

Furthermore, to underscore the Examiner’s position that the ordinary meaning of the term “footprint” in the computer art is related to a projection (a shadow) of the physical structure (i.e. of the computer structure) on a supporting surface, the Examiner would like to direct the Applicant’s attention to the US/6,480,376 to Nguyen et al., (an invention from the computer field of endeavor) wherein the term “footprint” is used precisely in line with the Examiner’s interpretation and in line with the definitions cited by the Examiner (see Fig. 2 and 8; column 2, lines 24+, column 8, lines 49-54 of Nguen et al (‘376) patent).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/6,480,376 to Nguen et al. disclosed portable computer docking station which has adjustable variable incline relative to the supporting surface thus producing variable footprint on said surface.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 571-272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV

A. Veler —